

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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KHELSEI S. HARVEST

Plaintiff,

v.

THE GRAND RESERVE MGM L.L.C. and
THE GRAND RESERVE, PIKE ROAD

Defendants.

2017 APR 10 P 12:40
2:17-cv-209
CASE NO. 2017-00209
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.
JURY TRIAL REQUESTED

COMPLAINT

COMES NOW the Plaintiff Khelsi S. Harvest, by and through her undersigned counsel of record, and hereby doth complain against the above-named Defendants, as set forth hereinbelow.

I. JURISDICTION & VENUE

1. Plaintiff Harvest files this Complaint, institutes these proceedings, and invokes the jurisdiction of this Court under and by virtue of 28 U. S. C. § 1331 and 42 U. S. C. § 1981, via 42 U. S. C. § 1981, and §1981(a), to obtain equitable relief, the costs of suit, including reasonable attorneys' fees, and damages suffered by the Plaintiff, due to the Defendants' discrimination against Plaintiff.

2. Plaintiff Harvest filed a charge of race and sex discrimination with the Equal Employment Opportunity Commission ("EEOC") in Birmingham on February 26, 2016. Plaintiff expects to receive her right-to-sue in the near future, giving her the right to pursue a Title VII claim, and will amend the current lawsuit to include the claims of her EEOC charge of discrimination.

3. Venue is proper in the Northern Division of the Middle District of Alabama, since the alleged discriminating action of Defendant occurred in Montgomery County, Alabama.

II. PARTIES

4. Plaintiff Khelsi S. Harvest (hereinafter “Plaintiff” or “Plaintiff Harvest”) is a citizen of the United States and a resident of Montgomery, Alabama. Plaintiff is over the age of nineteen years.

5. Defendant, The Grand Reserve MGM L.L.C. operates as an apartment complex management company, including Defendant apartment complex The Grand Reserve, Pike Road. At all times relevant to this complaint, Plaintiff was employed by said Defendant.

6. Defendant, The Grand Reserve, Pike Road is an apartment complex in Montgomery County Alabama, owned and operated by Defendant The Grand Reserve MGM L.L.C.. Plaintiff Harvest worked at said Defendant complex. Defendants are hereinafter collectively referred to as “Grand Reserve.”

III. STATEMENT OF FACTS

7. Plaintiff is a thirty-four-year-old female of African-American descent and is of sound body and mind.

8. Grand Reserve maintains five properties in Alabama and Georgia, each with approximately nine (9) employees.

9. Plaintiff Harvest began employment with Grand Reserve as a temp agent on August 8, 2015. After only two (2) weeks of employment Plaintiff was brought on permanently, as an assistant manager for the entire property.

10. Plaintiff had seven years’ experience in property management and was highly qualified to hold the assistant manager position.

11. Plaintiff Harvest was informed on September 15, 2015 that her position was eliminated, and that she was terminated effective immediately.

12. Contrary to the information memorialized in Plaintiff's termination letter, specifically that the position was being eliminated, an Asian female, Kaitlyn Lo, was hired as the assistant property manager.

13. In addition, the property manager at the time, an African-American female named Brittany Allen, was demoted to a leasing agent.

14. Plaintiff Harvest avers that Grand Reserve owners, Justin Trimbeck and Steve Corbett, did not like her (Plaintiff Harvest) because of her color or race. More specifically, Trimbeck and Corbett did not like Plaintiff Harvest's natural color and Afro-American hair style.

15. On September 15, 2015, when Grand Reserve terminated Plaintiff Harvest's employment, Grand Reserve also terminated all of the African-Americans on its maintenance staff, and hired an entirely new crew of white maintenance staff. One of the former maintenance personnel was white, and he was able to remain employed, in spite of all the other African-American maintenance workers being terminated. Grand Reserve's actions demonstrate a pattern and practice of race discrimination, favoring white employees over African-American employees.

16. Months later, Grand Reserve terminated its entire African-American cleaning crew.

17. At the time of her termination, Plaintiff Harvest was leasing an apartment as part of her compensation package as the assistant property manager for a reduced rent of \$522 per month. Upon termination of her employment with Grand Reserve, Plaintiff Harvest was advised that her rent would increase to \$1200 per month.

18. Plaintiff Harvest avers that Grand Reserve maintains and practices a policy of racial animus towards its African-American tenants. In particular, the Plaintiff refers to the still current litigation filed on November 5, 2015 by Kimberly Belcher, Dedric Belcher, and A.S. and L. B. minors through their parent and guardians, Kimberly Belcher as well as A.C. by her parent and guardian, Kimberly Belcher.¹

19. In said *Belcher* case, the Belchers allege that Grand Reserve engaged in discriminatory practices against its African-American tenants by not allowing the children of African-American tenants to be outside their apartments after 8:30 p.m., and by selectively enforcing “the Pool Rule” at The Grand Reserve to prohibit African-American children from using the property’s pool.

20. Plaintiff Harvest further avers that Grand Reserve was fearful she would have been a helpful witness to the Belchers, and as a result, terminated her to prevent her from providing any support to the Belcher Plaintiffs. Plaintiff Harvest avers that these actions were also racially motivated.

IV. PLAINTIFF’S CAUSE OF ACTION

COUNT I - RACE DISCRIMINATION PURSUANT TO 42 U. S. C. 1981, et seq.

21. Plaintiff hereby repeats, re-alleges, and incorporates by reference paragraphs 6–25 of the Complaint, the same as if more fully stated herein, and further avers that the Defendants’ actions toward her violated her right to be free from race discrimination, based on race, in violation of 42 U. S. C. 1981 and 1981 (a).

22. As a proximate cause of Defendants’ afore-described actions in discriminating against Plaintiff, due to her race, Plaintiff was injured and damaged, as more fully set forth in

¹ See *Belcher, et al. v. The Grand Reserve MGM, LLC, et al.*, 2:15-CV-000834-WKW-TFM, currently pending in the Middle District of Alabama, Northern Division.

paragraphs 1 through 20 above. In addition, Plaintiff has suffered considerable mental and emotional anguish.

23. Plaintiff avers that she has pursued and exhausted her administrative remedies and believes she is a victim of race discrimination, by Grand Reserve in violation of Title VII (42 U. S. C. § 2000(e)) and 42 U. S. C. § 1981. Plaintiff avers she has lost future wages, suffered serious mental anguish and has incurred the cost of an attorney fee.

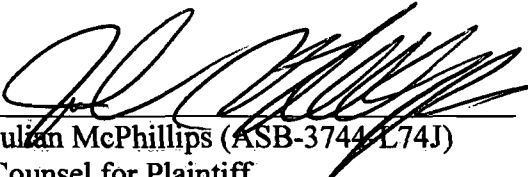
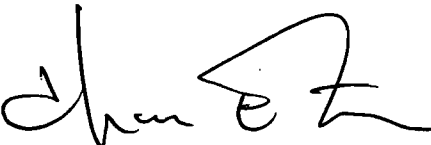
PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this Court grant the following relief:

- a) Judgment declaring that the Defendants discriminated against Plaintiff, on the basis of Plaintiff's race;
- b) An order granting Plaintiff compensation for rights to which Plaintiff would have been entitled, had Plaintiff not been the victim of race discrimination, effective from the date of final judgment;
- c) An award of compensatory damages, including for mental anguish, to which Plaintiff may be entitled;
- d) An award of punitive damages, due to the egregious nature of the race discrimination practiced against Plaintiff so openly tolerated, ratified and acquiesced in by the Defendants;
- e) An award of all court costs and reasonable attorneys' fees; and
- f) Such further, other and different relief as the Court may deem appropriate and necessary.

Respectfully submitted this 10th day of April, 2017.

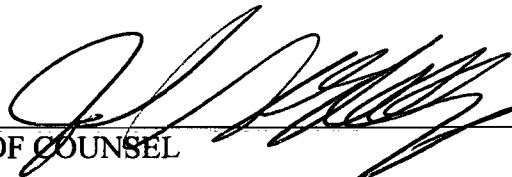
Khelsi S. Harvest, Plaintiff


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JURY DEMAND

Plaintiff hereby requests trial by jury on all issues so triable.


OF COUNSEL